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### REMARKS

Applicant has previously noted that the present invention provides an apparatus, a method and a medium for providing specific levels of protection against decoding or reproduction of main data conveyed by a data recording medium.

It is noted that, in applicant's response filed April 14, 2003, reference to this aspect of the invention was set forth, for example, in the second and third full paragraphs at page 4 and in the paragraph bridging pages 5 and 6.

Indeed, examples of support for this aspect of the invention (conveying both protection information and the main data by a recording medium) abound in the original specification of the application. For example, reference is made to the disclosure at:

page 1, lines 19-22;

page 6, lines 13-14;

page 7, line 6;

page 9, lines 13-16;

page 21, lines 12-15;

page 39, line 17; and

page 43, line 24 through page 44, line 3,

as well as numerous other instances.

Nonetheless, the Examiner responded in an Advisory Action which asserted that "all of the limitations have been addressed previously." Therefore, the Examiner continues to reject applicant's claims under 35 USC 103(a), stating that, while the claims are not anticipated by Kilbel (U.S.P. 5,214,556), which fails to teach the concept of protection position information, the protection data of Abecassis (U.S.P. 5,434,678) are specific to each of one or more predetermined

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regions within each of a sequence of one or more predetermined sequential frames of the video signal.

It is courteously submitted that distinctions between the present invention and the prior art applied thereto, referring to the Abecassis reference for example, were highlighted in applicant's prior response and that these distinctions had not been addressed in the Official Actions. The Examiner is kindly referred to applicant's prior paper(s) for discussion(s) of numerous distinctions between the present invention and the prior art, which discussions are incorporated herein by reference.

Nonetheless, in order to emphasize the above noted features of the invention, applicant has amended the specification and claims, to clarify that the medium referenced therein is a *data recording medium*. Additionally, the claims further clarify that the recording medium conveys the main data and the protection data in an *identical form*.

Accordingly, no further confusion should arise between the disclosure of Abecassis which, as previously noted, emphasizes *transmission* of the data (e.g., col. 10, line 58), rather than use of a data *recording* medium.

It is thus clear that, while the reference relates to labeling of portions of a transmitted data stream to permit a user to define content preferences, the disclosure thereof referenced in the Action fails to address the concept of apparatus, medium or method for limiting reproduction or decoding of data from a recording medium.

It is therefore respectfully submitted that the '678 reference, even when combined with the other art of record, fails to support the rejection set forth in the Action since such a combination of references fails to teach, disclose or suggest a recording medium which incorporates and conveys both the main data and the protection data, and which also conveys

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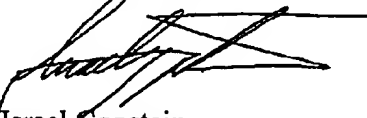
such data in an identical form.

Therefore, upon consideration of the applied art one of ordinary skill in the art would not have an expectation of making applicant's claimed invention, without specific reference to applicant's own disclosure and claims. It is again noted that while the present invention relates to the use of a data recording medium, as now explicitly and clearly set forth in the claims, the '678 reference is based on a data transmission system.

Therefore, it is courteously submitted that the applied art fails to provide a *prima facie* showing of obviousness of applicant's disclosed invention, particularly in view of the clarified recitation thereof.

In view of the foregoing, it is respectfully submitted that reconsideration and withdrawal is in order for the rejection set forth in the outstanding Official Action. Upon such withdrawal, it is further submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. In order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, the Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number if any further comments, questions or suggestions arise in connection with the application.

Respectfully submitted,  
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